

Mr. Martin Maner, Acting Chief
Water Division
Arkansas Department of Environmental Quality
8001 National Drive
Little Rock, AR 72209

Dear Mr. Maner:

Thank you for submitting Arkansas' 2002 Section 303(d) list of water quality limited water bodies. The Environmental Protection Agency (EPA) has conducted a complete review of the submittal dated September 5, 2002, a follow-up letter from Arkansas dated January 16, 2003, and supporting documentation and supplemental information provided at the EPA's request. Based on this review, the EPA has determined that Arkansas' 2002 list of water quality limited segments (WQLSs) still requiring Total Maximum Daily Loads (TMDLs) partially meets the requirements of Section 303(d) of the Clean Water Act ("CWA" or "the Act") and the EPA's implementing regulations. Arkansas' water body listing and priority ranking decisions meet the listing requirements; however, Arkansas' decisions not to list several waters and pollutants identified in the enclosed tables do not meet the listing requirements. Therefore, by this order, the EPA approves the State's decision to list all the water bodies and associated pollutants identified in Tables IV-1 and IV-2 of the State's listing submission and associated priority rankings and disapproves the State's decision not to list 52 waters and associated pollutants in the attachment to this letter and discussed in more detail in the enclosed decision document. The EPA is further identifying these additional water bodies and pollutants with appropriate priority rankings for inclusion on the 2002 Section 303(d) list. The EPA will open a public comment period on the additions to the list and will, if necessary, revise the list of added waters and pollutants after we consider any comments received. The statutory and regulatory requirements, and a summary of the EPA's review of Arkansas' compliance with each requirement, are described in the enclosed decision document.

Arkansas' 303(d) submission includes 76 water body-pollutant combinations (Tables IV-1 and IV-2). The State listings are based on an assessment methodology described in the State submittals. In addition to the list, the EPA regulations at 40 CFR §130.7 require that the State provide a priority ranking for each listing and a TMDL development schedule for the next two years. The State provided priority rankings for all listed waters as required by section 303(d) and its implementing regulations. Sixteen water body/pollutant combinations are targeted for TMDL development in the next two years. This is consistent with the targeting requirement of 40 CFR § 130.7 but does not meet the requirements under the consent decree in Sierra Club V. Whitman, case No. LR-C-99-114 (E.D. Ark) which requires twenty TMDLs. The EPA will work with the State in identifying additional water body/pollutant combinations for which TMDL development will occur by January 15, 2005.

EPA acknowledges that the public participation process sponsored by the Arkansas Department of Environmental Quality included solicitations of public comments through newspaper advertisements, several public hearings, and preparation of a responsiveness summary explaining how the State considered public comment in the final listing decisions. These actions meet the public participation requirements as required in 40 CFR §130.7.

Thank you for your efforts to develop the 2002 Section 303(d) water body list. We will continue to coordinate with you during the upcoming comment period. If you have questions on any of the above information, feel free to give me a call at (214) 665-7101 or call Willie Lane at (214) 665-8460.

Sincerely,

Miguel I. Flores, Director
Water Quality Protection Division
Region 6

Enclosure

cc: Mary Leath, Deputy Director
Bill Keith, Chief, Water Quality Planning Branch

Waters and pollutants proposed for Listing by EPA

STREAM NAME	HUC	REACH	SEG	PARAMETER	Priority	Category
Wabbaseka Bayou	8020401	-003	3A	siltation	L	5B
Bayou DeView	8020302	-004	4B	siltation	L	5B
Bayou DeView	8020302	-005	4B	siltation	L	5B
Bayou DeView	8020302	-006	4B	siltation	L	5B
Bayou DeView	8020302	-007	4B	siltation	L	5B
Cache River	8020302	-016	4B	siltation	L	5B
Cache River	8020302	-017	4B	siltation	L	5B
Cache River	8020302	-018	4B	siltation	L	5B
Cache River	8020302	-019	4B	siltation	L	5B
Cache River	8020302	-020	4B	siltation	L	5B
Cache River	8020302	-027	4B	siltation	L	5B
Cache River	8020302	-028	4B	siltation	L	5B
Cache River	8020302	-029	4B	siltation	L	5B
Cache River	8020302	-031	4B	siltation	L	5B
Cache River	8020302	-032	4B	siltation	L	5B
Village Creek	11010013	-006	4C	siltation	L	5B
Village Creek	11010013	-007	4C	siltation	L	5B
Village Creek	11010013	-008	4C	siltation	L	5B
Village Creek	11010013	-012	4C	siltation	L	5B
Blackfish Bayou	8020203	-003	5A	siltation	L	5B
Blackfish Bayou	8020203	-005	5A	siltation	L	5B
Blackfish Bayou	8020203	-007	5A	siltation	L	5B
Overflow Creek	11010014	-006	4E	pathogens	M	5A
Overflow Creek	11010014	-004	4E	pathogens	M	5A
Curia Creek	11010009	-901	4G	pathogens	M	5A
Village Cr	11010013	-012	4C	pathogens	M	5A
Cache River	8020302	-018	4B	pathogens	M	5A
Cache River	8020302	-017	4B	pathogens	M	5A
Cache River	8020302	-028	4B	pathogens	M	5A
Osage Creek	11010001	-045	4K	Total Phosphorus	H	5A
Kings River	11010001	-037	4K	Total Phosphorus	H	5A
Osage Creek	11110103	-903	3J	Total Phosphorus	H	5A
Osage Creek	11110103	-030	3J	Total Phosphorus	H	5A
Spring Creek	11110103	-931	3J	Total Phosphorus	H	5A
Illinois River	11110103	-022	3J	Total Phosphorus	H	5A
Poteau River	11110105	-031	3I	nutrients	H	5A
Lake Wilhelmina	11140108	lake	1D	bacteria	M	5A
Lake Calion	8040201	lake	2D	chlorides	M	5A
Lake June	11140203	lake	1A	chlorides	M	5A
Cove Creek	11110202	lake		mercury/fish tissue	H	5A
Monticello	8040204	lake	2C	mercury/fish tissue	H	5A
Nimrod	11110206	lake	3E	mercury/fish tissue	H	5A
Ouachita River Oxbows below Camden	8040202	lake	2D	mercury/fish tissue	H	5A
Sylvia	8040203	lake	2C	mercury/fish tissue	H	5A
Winona	8040203	lake	2C	mercury/fish tissue	H	5A
Bear Creek Lake	8020205	lake	2B	nutrients	M	5A
First Old River Lake	11140106	lake	1B	nutrients	M	5A
Grand Lake	8050002	lake	2A	nutrients	M	5A
Horseshoe Lake	8020203	lake	4A	nutrients	M	5A
Mallard Lake	8020204	lake	5C	nutrients	M	5A
Old Town Lake	8020303	lake	5A	nutrients	M	5A

Waters and pollutants proposed for Listing by EPA

STREAM NAME	HUC	REACH	SEG	PARAMETER	Priority	Category
Lake Frierson	8020302	lake	4B	turbidity	M	5A